

Message Text

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ACTION L-03

INFO OCT-01 EUR-12 ISO-00 CU-04 OES-06 IO-13 AID-05 CEA-01

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SP-02 STR-04 TRSE-00 LAB-04 SIL-01 SAM-01 OMB-01 /075 W

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R 051346Z AUG 76

FM AMEMBASSY BRUSSELS

TO SECSTATE WASHDC 7614

INFO AMEMBASSY LUXEMBOURG

AMEMBASSY THE HAGUE

USMISSION EC BRUSSELS

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E.O. 11652: N/A

TAGS: ETRD,SCUL,BEXP,BE,EEC

SUBJECT: CUSTOMS UNION STANDARD UNDER FLORENCE AGREEMENT

REF: (A) STATE 189040, (B) BRUSSELS 425

1. AS REPORTED REFTEL B,EMBASSY POUCHED TO DEPARTMENT COPY OF NEW BELGIAN CUSTOMS REGULATIONS IMPLEMENTING COUNCIL REGULATION 1798/75.THESE CHANGES WERE INCORPORATED IN SUPPLEMENT 42 (AS AMENDED IN SUPPLEMENT 43) TO TITLE III-MODALITES D'APPLICATION (INSTRUMENTS AND SCIENTIFIC APPARATUS IMPORTED EXCLUSIVELY FOR TEACHING OR FOR PURE SCIENTIFIC RESEARCH) WHICH WERE DRAWN FROM COMMISSION REGULATION 3195/75. PRIOR TO THIS TIMES,BELGIAN CUSTOMS PROCEDURES AFFECTING DUTY-FREE IMPORT OF SCIENTIFIC APPARATUS APPEAR TO HAVE BEEN GOVERNED BY THE LAW OF JULY 25, 1955. THE PREVIOUS REGULATIONS SEEMS TO BE SIMILAR I MOST ESSENTIALS TO THOSE NOW IN FORCE,BUT THEY DID CLEARLY APPLY TO THE BENELUX AS A UNIT. PARAGRAPH 315 OF ARTICLE 40 OF THE OLD CUSTOMS REGULATIONS STATED AS FOLLOWS:
BEGIN QUOTE. THE REQUEST SHOULD BE SUPPORTED BY AN ATTESTATION IN WHICH THE HEAD OF THE RECEIVING ORGANIZATION CERTIFIES THAT A SIMILAR MATERIAL OR ONE OF EQUIVALENT SCIENTIFIC VALUE IS NOT
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MANUFACTURED OR ASSEMBLED IN THE BENELUX TERRITORY;...

END QUOTE.

INITIALLY THE REGULATION REFERRED ONLY TO THE "IMPORTING COUNTRY". HOWEVER, BY MINISTERIAL DECREE DATED FEBRUARY 17, 1960, THE BELGIAN CUSTOMS REGULATIONS WERE SYSTEMATICALLY AMENDED TO INSERT BENELUX IN PLACE OF BELGIUM. THUS THE CUSTOMS REGULATIONS, INCLUDING ARTICLE 40, WERE ALTERED TO MAKE ALLOWANCE FOR THE APPLICATION OF THE BENELUX TARIFF UNION, WHICH HAS IN PRACTICE BEEN IN EFFECT ON SIGNATURE BY THREE COUNTRIES OF PROTOCOL OF JUNE 7, 1956. TO SUM UP, THE FLORENCE AGREEMENT ENTERED INTO FORCE IN BELGIUM ON MAY 21, 1952; WAS APPROVED BY THE LAW OF JULY 25, 1955, WHICH WAS PUBLISHED IN THE MONITEUR BELGE OF JANUARY 15, 1958; AND REFERENCE TO THE BENELUX WAS ADDED IN A MINISTERIAL DECREE DATED FEBRUARY 17, 1960.

2 EMBASSY WILL POUCH COPIES OF THE PREVIOUS CUSTOMS REGULATIONS TO EB/ITP, L/E, AND EUR/RPE IN THE DEPARTMENT, AND TO THE OFFICE OF INTERNATIONAL TRADE POLICY IN COMMERCE.

3. REFTEL A, WHICH REFERS TO EC BRUSSELS 2302, APPEARS TO CONTAIN ERROR IN TRANSMISSION. WE ASSUME DEPARTMENT IS REFERRING TO EC BRUSSELS 6743.

4. MAJOR IMPORTER OF US SCIENTIFIC APPARATUS TOLD US THAT EARLIER REGULATION HAS NOT BEEN MATTER OF PRACTICAL CONCERN TO BELGIAN IMPORTERS. ONLY PHILIPS OF THE NETHERLANDS OFFERED LIMITED COMPETITION TO SOPHISTICATED INSTRUMENTS OF US ORIGIN. FOR THIS REASON, FIRMS LIKE HIS OWN HAD NOT BEEN TROUBLED BY APPLICATION OF PROVISIONS OF FLORENCE AGREEMENT WITHIN BENELUX TARIFF UNION.
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